

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 9, 16, 29, 37, 40, and 41 are amended. Claims 18, 19, and 53-57 are canceled without prejudice. Claims 1-17 and 20-52 are pending in this application.

### **Interview Summary**

Applicant thanks Examiner Matthew Henning and Examiner Christopher Revak for the telephonic interview with the undersigned attorney on December 14, 2004. During the interview, U.S. Patent No. 6,496,802 to van Zoest et al. was discussed, as well as claims 1 and 9. Applicant argued that U.S. Patent No. 6,496,802 is directed to multiple ways of verifying that a user is authorized to access an electronic work, but does not disclose checking for a valid license in response to content matching a highly compressed content piece. No agreement as to the allowability of any of the claims was reached.

### **35 U.S.C. § 112**

Claims 41-45 stand rejected under 35 U.S.C. §112, second paragraph. As part of this Response, claim 41 has been amended to provide proper antecedent basis for "the portion of media content" in claims 41 and 45.

Applicant respectfully submits that claims 41-45 comply with 35 U.S.C. §112, second paragraph, and respectfully requests that the §112 rejections be withdrawn.

**35 U.S.C. § 102**

Claims 1-57 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,496,802 to van Zoest et al. (hereinafter "van Zoest"). Claim 18, 19, and 53-57 have been canceled without prejudice, thereby rendering the rejection of claim 18, 19, and 53-57 moot. Applicant respectfully submits that claims 1-17 and 20-52 are not anticipated by van Zoest.

van Zoest is directed to a system and method for providing access to electronic works (see, Title). Such electronic works may include songs, albums, movies, music videos, or a variety of other types of work (see, col. 2, lines 25-27). When a user requests access to a work, van Zoest verifies that the user is entitled to receive the desired work (see, col. 2, lines 36-40). This verification can be performed by the user demonstrating that they own a physical copy of the work or demonstrating that they ordered the requested work from a retailer or other distributor (see, col. 2, lines 40-44). Once the user adequately shows that they are authorized to receive the requested work, the user is provided with access to the work (see, col. 2, lines 45-47).

With respect to amended claim 1, amended claim 1 recites in part:

- a content player, coupled to the source database, including,
  - an interface to receive a subset of the plurality of highly compressed content pieces from the source database,
  - a storage device to store the subset,
  - a comparator to compare the subset to content and determine whether the content matches any of the plurality of highly compressed content pieces in the subset,
  - a resolver to take particular action in response to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset, and

an output controller to render the content if the comparator indicates the content does not match any of the highly compressed content pieces in the subset.

Applicant respectfully submits that van Zoest does not disclose a content player including a comparator, a resolver, and an output controller as recited in amended claim 1.

van Zoest discusses verifying that the user is authorized to access an electronic work (see, col. 5, lines 21-22). One way this verification can be performed is to look-up sample data related to the request, such as track offset data or an actual portion of the work (see, col. 5, lines 27-30). This sample data is compared to data extracted from a physical work, from which a determination is made as to whether the user claiming possession of the physical work does, in fact, have possession and therefore is authorized to access an electronic work (see, col. 5, lines 30-35). van Zoest also discusses that the user may receive access to some works without any verification because they are publicly available (see, col. 11, lines 59-61).

However, nowhere does van Zoest discuss a comparator to compare the subset to content and determine whether the content matches any of the plurality of highly compressed content pieces in the subset, and an output controller to render the content if the comparator indicates the content does not match any of the highly compressed content pieces in the subset as recited in claim 1. There is no discussion of performing a comparison of content to highly compressed content pieces in van Zoest, and then rendering the content if the comparison indicates that the content does not match any of the highly compressed content pieces. As discussed above, van Zoest discusses verifying that a user is authorized to receive the requested work and providing the user with access to the work if they are so

authorized. Thus, van Zoest describes providing the user with access to the work if the comparison of van Zoest determines that the user does have possession of the physical work, not providing the user with access to the work if the user does not have possession of the physical work.

Also as discussed above, van Zoest describes that verification may not be needed for publicly available content. However, if verification is not needed, then no comparison would need to be performed in van Zoest. Thus, without performing any such comparison in van Zoest for publicly available content, Applicant respectfully submits that there is no discussion in van Zoest of performing a comparison of content to highly compressed content pieces in van Zoest, and then rendering the content if the comparison indicates that the content does not match any of the highly compressed content pieces.

Thus, for at least these reasons, Applicant respectfully submits that amended claim 1 is allowable over van Zoest.

Given that claims 2-8 and 11-15 depend from amended claim 1, Applicant respectfully submits that claims 2-8 and 11-15 are likewise allowable over van Zoest for at least the reasons discussed above with respect to amended claim 1.

With respect to claim 9, claim 9 has been rewritten to include the elements of its base claim (claim 1). Claim 9 recites:

A system comprising:  
a source database storing a plurality of highly compressed content pieces; and  
a content player, coupled to the source database, including,  
an interface to receive a subset of the plurality of highly compressed content pieces from the source database,  
a storage device to store the subset,

a comparator to compare the subset to content and determine whether the content matches any of the plurality of highly compressed content pieces in the subset, and  
a resolver to take particular action in response to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset,  
wherein the storage device is further to store a plurality of licenses identifying content that a user of the content player is authorized to playback, and wherein the particular action comprises the resolver checking whether one of the plurality of licenses corresponds to the content.

Applicant respectfully submits that van Zoest does not disclose a content player including a comparator to compare the subset to content and determine whether the content matches any of the plurality of highly compressed content pieces in the subset, a resolver to take particular action in response to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset, and wherein the particular action comprises the resolver checking whether one of the plurality of licenses corresponds to the content as recited in claim 9.

In the August 17 Office Action, van Zoest at col. 5, paragraph 3, lines 7-12 is cited as teaching the comparator of claim 1 and 9. This cited portion of van Zoest discusses one way of verifying that the user is authorized to access the electronic work. The verification discussed in this cited portion is look-up of sample data related to the request, such as track offset data or an actual portion of the work, and comparison of the sample data to data extracted from a physical work. Also in the August 17 Office Action, van Zoest at col. 11, paragraph 5, line 11 to col. 12, paragraph 1 is cited as teaching that the particular action comprises the resolver checking whether one of the plurality of licenses corresponds to the content of claim 9. However, this cited portion of van Zoest discusses another way of verifying that the user is authorized to access the electronic work. The

verification discussed in this cited portion is for the user to demonstrate authorization or ownership of a physical work by using a confirmation number received by the user with the purchase of the work.

Thus, the cited portions of van Zoest discuss two different ways of verifying that the user is authorized to access the electronic work. In contrast, in claim 9 the resolver checks whether one of the plurality of licenses corresponds to the content in response to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset. Thus, the plurality of licenses is checked in response to the content matching one of the plurality of highly compressed content pieces. There is no such discussion of checking a plurality of licenses in van Zoest in response to content matching a highly compressed content piece. The cited portions of van Zoest discuss two different ways of verifying that the user is authorized to access the electronic work, not a check that is carried out after another comparison indicates that the user is authorized to access the electronic work.

Thus, for at least these reasons, Applicant respectfully submits that claim 9 is allowable over van Zoest.

Given that claim 10 depends from claim 9, Applicant respectfully submits that claim 10 is likewise allowable over van Zoest for at least the reasons discussed above with respect to claim 9.

With respect to amended claim 16, amended claim 16 has been amended to incorporate the elements of claims 18 and 19. Applicant respectfully submits that, similar to the discussion above regarding claim 9, van Zoest does not disclose a comparator to compare the one or more highly compressed content pieces to

content at the system and to determine whether the content matches at least one of the one or more highly compressed content pieces, and a resolver, coupled to the comparator, to take a particular action in response to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset, wherein the particular action comprises checking to see whether the system has a valid license for the content as recited in amended claim 16. Thus, for at least these reasons, Applicant respectfully submits that amended claim 16 is allowable over van Zoest.

Given that claims 17 and 20-28 depend from amended claim 16, Applicant respectfully submits that claims 17 and 20-28 are likewise allowable over van Zoest for at least the reasons discussed above with respect to amended claim 16.

With respect to amended claim 29, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, van Zoest does not disclose comparing a portion of media content to a set of one or more highly compressed pieces of content, determining whether the portion of media content matches any of the set of highly compressed pieces, taking a programmed action if the portion of media content matches any of the set of highly compressed pieces, and playing back the content if the determining indicates the portion of media content does not match any of the set of highly compressed pieces as recited in amended claim 29. Thus, for at least these reasons, Applicant respectfully submits that amended claim 29 is allowable over van Zoest.

Given that claims 30-36 and 38-39 depend from amended claim 29, Applicant respectfully submits that claims 30-36 and 38-39 are likewise allowable

over van Zoest for at least the reasons discussed above with respect to amended claim 29.

With respect to amended claim 37, amended claim 37 has been amended to incorporate the elements of its base claim (claim 29). Applicant respectfully submits that, similar to the discussion above regarding claim 9, van Zoest does not disclose comparing a portion of media content to a set of one or more highly compressed pieces of content, determining whether the portion of media content matches any of the set of highly compressed pieces, and taking a programmed action if the portion of media content matches any of the set of highly compressed pieces, wherein the programmed action comprises checking whether one of a plurality of licenses maintained at a content player performing the comparing corresponds to the portion of media content as recited in amended claim 37. Thus, for at least these reasons, Applicant respectfully submits that amended claim 37 is allowable over van Zoest.

With respect to amended claim 40, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, van Zoest does not disclose comparing a portion of media content to a set of one or more highly compressed pieces of content, determining whether the portion of media content matches any of the set of highly compressed pieces, taking a programmed action if the portion of media content matches any of the set of highly compressed pieces, and rendering the content if the determining indicates the portion of media content does not match any of the set of highly compressed pieces as recited in amended claim 40. Thus, for at least these reasons, Applicant respectfully submits that amended claim 40 is allowable over van Zoest.



With respect to amended claim 41, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, van Zoest does not disclose means for storing a set of highly compressed content pieces, means for determining whether a portion of media content matches any of the set of highly compressed content pieces, means for taking a particular action if the portion of media content matches any of the set of highly compressed content pieces, and means for playing back the content if the determining indicates the portion of media content does not match any of the set of highly compressed pieces as recited in amended claim 41. Thus, for at least these reasons, Applicant respectfully submits that amended claim 41 is allowable over van Zoest.

Given that claims 42-45 depend from amended claim 41, Applicant respectfully submits that claims 42-45 are likewise allowable over van Zoest for at least the reasons discussed above with respect to amended claim 41.

With respect to claim 46, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, van Zoest does not disclose checking whether a portion of media content matches a piece of highly compressed content, wherein the piece of highly compressed content cannot be played back to a user in an intelligible form, allowing the portion of media content to be played back if the portion of media content does not match the piece of highly compressed content, and taking a particular action if the portion of media content does match the piece of highly compressed content as recited in claim 46. Thus, for at least these reasons, Applicant respectfully submits that claim 46 is allowable over van Zoest.

Given that claims 47-52 depend from claim 46, Applicant respectfully submits that claims 47-52 are likewise allowable over van Zoest for at least the reasons discussed above with respect to claim 46.

Applicant respectfully requests that the §102 rejections be withdrawn.

### Conclusion

Claims 1-17 and 20-52 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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